

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Perri Fagin	Team: Squad #12	CCRB Case #: 201702334	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/21/2017 3:56 AM	Location of Incident: Inside § 87(2)(b) [REDACTED]	Precinct: 23	18 Mo. SOL 9/21/2018	EO SOL 9/21/2018	
Date/Time CV Reported Mon, 03/27/2017 5:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/27/2017 5:00 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Elias Vazquez	15305	949762	023 PCT
2. POM Nicolas Savitt	07875	949629	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Saintu	11816	955432	023 PCT
2. POM Jonathan Baldeon	619	954515	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Elias Vazquez	Discourtesy: Police Officer Elias Vazquez spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Elias Vazquez	Force: Police Officer Elias Vazquez used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Nicolas Savitt	Force: Police Officer Nicolas Savitt used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) the sole victim, filed this complaint with the CCRB via telephone on March 27, 2017.

On March 21, 2017 at approximately 3:56 a.m., § 87(2)(b) called 911 because § 87(2)(b) who was temporarily residing in a bedroom in § 87(2)(b)'s apartment, had allegedly taken psychedelic mushrooms and he felt threatened by her. Police Officers Elias Vazquez, Christophe Saintu, Nicolas Savitt, and Jonathan Baldeon, all of the 32nd Precinct, responded to § 87(2)(b)'s apartment, located at § 87(2)(b), in Manhattan, along with § 87(2)(b) and § 87(2)(b). § 87(2)(b) Hospital Emergency Medical Technicians (EMT). § 87(2)(b) voiced that he wished to have § 87(2)(b) removed. § 87(2)(b) was interviewed and § 87(2)(b) and § 87(2)(b) determined that § 87(2)(b) would instead be removed to the hospital. § 87(2)(b) was unhappy with this result, and argued with the officers and EMTs. § 87(2)(b)'s girlfriend who was sleeping in his bedroom, entered the living room when she heard that § 87(2)(b) was to be removed to the hospital. During the dispute between § 87(2)(b) and the EMTs and officers, PO Vazquez stated that it seemed like § 87(2)(b) was trying to “pull some roommate bullshit” (**Allegation A**). PO Vazquez and PO Savitt allegedly each grabbed either of § 87(2)(b)'s arms and pulled him down to the ground into a kneeling position (**Allegation B** and **Allegation C**). § 87(2)(b) ultimately walked on his own to the ambulance and was transported to § 87(2)(b) Hospital by § 87(2)(b) and § 87(2)(b) and was accompanied by PO Saintu and PO Baldeon.

No arrests or summonses resulted from this incident. § 87(2)(b) provided video footage that he captured sporadically throughout the incident, however it does not capture much video and mostly consists of audio recording.



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Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation as he felt the officers would not change from a mediation session.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (Board Review 01).
- As of May 17, 2017, § 87(2)(b) has not filed a Notice of Claim with the Office of the New York City Comptroller regarding this incident (Board Review 02).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 03).
- PO Vazquez has been a member-of-service for six years and has two prior CCRB complaints filed against him involving five allegations, none of which were substantiated or § 87(2)(g).
- PO Savitt has been a member-of-service for six years and this is the first CCRB complaint filed against him.

Findings and Recommendations

Explanation of Subject Officer Identification

Based on his provided officer descriptions, § 87(2)(b) (Board Review 05) alleged that PO Baldeon used physical force against him. § 87(2)(b), § 87(2)(g)

PO Saintu (Board Review 06) acknowledged observing PO Vazquez and PO Savitt hold onto § 87(2)(b)'s wrists, the only action taken acknowledged by any officer that resembles § 87(2)(b)'s allegation. Therefore Allegation B and Allegation C were pled to PO Vazquez and PO Savitt respectively.

Allegation A -- Discourtesy: Police Officer Elias Vazquez spoke discourteously to § 87(2)(b)

PO Vazquez (Board Review 07) testified that § 87(2)(b) accused the officers of calling him a “fucking idiot,” to which PO Vazquez responded that he was not called a “fucking idiot.” This was not alleged by § 87(2)(b) or any interviewed witnesses, and, aside from this, PO Vazquez denied using any profanity throughout this incident.

During his CCRB interview, PO Vazquez was shown a Snagit captured portion of a video which was recorded by § 87(2)(b) (Board Review 08). PO Vazquez states, “Sounds like you’re trying to pull some roommate bullshit.” The video does not depict who said “roommate bullshit,” as there are no visuals; however, all four officers interviewed, including PO Vazquez, attributed this voice to PO Vazquez. PO Vazquez described the moment in which he used this profanity as the beginning of the incident, when § 87(2)(b) was calling § 87(2)(b) an EDP and was trying to get her kicked out of the apartment.

When in contact with the public, NYPD officers must be courteous and respectful. NYPD Patrol Guide, Section 203-09 (Board Review 09).

§ 87(2)(b), § 87(2)(g)

Allegation B -- Force: Police Officer Elias Vazquez used physical force against § 87(2)(b)

Allegation C-- Force: Police Officer Nicolas Savitt used physical force against § 87(2)(b)

§ 87(2)(b)'s description of the alleged force used against him varied throughout the course of the investigation. During his initial phone complaint, § 87(2)(b) described being “taken to the floor” and “jumped on” by officers. During his in-person statement, § 87(2)(b) initially described that he was “taken down by five guys at once to wrestle me to the ground.” § 87(2)(b) had difficulties articulating exactly what happened, and ultimately described himself as being held by his wrists and pulled down into a kneeling position by PO Vazquez and PO Savitt. The officers made physical contact with § 87(2)(b) for a total of five to seven seconds before releasing him.

§ 87(2)(b) made attempts to control which witnesses testified in the investigation. He initially voiced that he did not wish § 87(2)(b) to participate, and after she was scheduled to appear, he told her that she did not need to come in; however, § 87(2)(b) ultimately provided an in-person statement. § 87(2)(b) also sent an email detailing a dispute he had with § 87(2)(b) in which she and her boyfriend accused § 87(2)(b) of lying. In his email, § 87(2)(b) wrote, “Needless to say... § 87(2)(b) isn't going to be acting as a witness. Just wanted to let you know.” § 87(2)(b) was not cooperative with the investigation. It was explained multiple times to § 87(2)(b) that it is up to the individual whether they participate in the investigation.

Video evidence does not depict any force used by officers, and § 87(2)(b)'s medical records (Board Review 13) do not document any injuries sustained by § 87(2)(b).

No officer interviewed acknowledged observing the force § 87(2)(b) alleged; however, PO Saintu testified that he witnessed PO Vazquez and PO Savitt each grab one of § 87(2)(b)'s wrists, as EMS had decided that he was to be removed, but denied observing any officer pull § 87(2)(b) into a kneeling position. PO Savitt (Board Review 10) testified that he may have seen officers hold onto § 87(2)(b)'s wrist to escort him out of the apartment, but he did not recall. § 87(2)(b) (Board Review 11) testified that the only physical contact that she may have seen was an officer holding § 87(2)(b)'s elbow to escort him outside, which she "would not describe as physically forceful"; however, she did not recall if she saw this. Neither PO Vazquez, PO Baldeon (Board Review 12), nor § 87(2)(b) (Board Review 04) recalled if any officer made physical contact with § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Squad: 12

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date